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Message Text

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ACTION L-02

INFO OCT-01 AF-06 EUR-12 NEA-09 IO-10 ISO-00 CIAE-00

DODE-00 PM-03 H-02 INR-07 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 ARA-06 EA-06 SAM-01 OMB-01 /096 W
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R 011435Z APR 75
FM AMEMBASSY THE HAGUE
TO SECSTATE WASHDC 5579
INFO AMEMBASSY RABAT
AMEMBASSY ALGIERS
AMEMBASSY ABIDJAN
AMEMBASSY DAKAR
AMEMBASSY MADRID
AMEMBASSY NOUAKCHOTT
AMEMBASSY PARIS
AMEMBASSY TRIPOLI
AMEMBASSY TUNIS
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E.O. 11652: N/A
TAGS: PFOR, PORG, UN, ICJ, SS, MO, MR
SUBJECT: ICJ EXAMINATION OF SPANISH SAHARA CASE

REF: RABAT 1562, THE HAGUE 0151 (NOTAL)

1. ICJ ISSUED PRESS RELEASE MARCH 28 WHICH REPORTED
THAT THE NINE COUNTRIES MENTIONED IN RABAT REFTEL HAD
SUBMITTED DOCUMENTATION IN RESPONSE TO COURT'S CALL.

2. AQUARONE, REGISTRAR OF COURT, TOLD EMBOFF APRIL 1
THAT AS SOON AS DOCUMENTATION COULD BE REPRODUCED, ALL
SUBMISSIONS WOULD BE CIRCULATED TO UN MEMBER STATES.
ANY MEMBER STATE WHICH WISHES TO APPEAR AND MAKE ORAL
ARGUMENT BEFORE ICJ ON CASE WILL BE ABLE TO DO SO,
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REGARDLESS OF WHETHER IT SUBMITTED WRITTEN BRIEF OR

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NOT.

3. SPEAKING PERSONALLY AND IN CONFIDENCE, AQUARONE
SAID THAT ONLY DOCUMENTATION SUBMITTED BY MOROCCO, MAURTIANIA,
AND SPAIN WOULD BE OF ANY VALUE TO ICJ. STATEMENTS
SUBMITTED BY OTHER SIX COUNTRIES AMOUNTED TO LITTLE MORE
THAN ACKNOWLEDGEMENT OF COURT'S CALL FOR FACTS.

4. BOTH MAURITANIA AND MOROCCO HAVE INFORMED COURT THAT
THEY WISH NOMINATE AD HOC JUDGES. MOROCCO PROPOSED
BONI, PRESIDENT OF IVORY COAST SUPREME COURT, WHILE
MAURITANIA DOD NOT SUBMIT NOMINEE. AQUARONE CHARACTERIZED
REPORT THAT BONI WOULD PLEAD MOROCCO'S CASE AS AD HOC
JUDGE NONSENSE. NOW THAT MAURITANIA AND MOROCCO HAVE
ASKED TO NOMINATE AD HOC JUDGES, ICJ MUST EXAMINE QUESTION
TO DETERMINE FIRSTLY IF PRESENT UNGA REQUEST FOR ADVISORY
OPINION POSES A "CONTENTIOUS CASE", SECONDLY IF MOROCCO
AND MAURTIANIA ARE PARTIES TO DISPUTE AND THIRDLY IF
THEY PARTIES WITH SAME INTEREST AND THUS ENTITLED TO
ONLY ONE JUDGE. WHEN THESE DETERMINATIONS MADE, COURT
WOULD THEN INVITE MOROCCO AND MAURITANIA TO NOMINATE
JUDGE BE PLEADER BEFORE COURT FOR ONE OR OTHER OF PARTIES.
TANGUY

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